REMARKS/ARGUMENTS

Claims 1-3 are active in this case. Support for the amendment to Claim 1 is found in Claims 3 and 4 and Table 1 on page 14 of the specification. The specification is amended to update the status of the parent case to which the present application claims priority. No new matter is believed to be added by these amendments.

The rejection of Claims 1-3 under 35 U.S.C. § 102(b) in view of <u>Suarez</u> is no longer applicable, noting that Claim 1 has been amended to incorporate Claim 4, which was not rejected. Accordingly, withdrawal of this ground of rejection is requested.

The rejection of Claims 1, 3 and 4 under 35 U.S.C. § 102(b) in view of <u>Petters</u> is respectfully traversed.

Petters describes a UB culture medium (table 3) and Whitten medium c and d (Table 1). However, these media contain calcium lactate. As amended Claim 1 only contains sodium salt as a lactic acid salt and thus the media described by Petters is different.

Withdrawal of this ground of rejection is requested.

The rejection of Claims 1-4 under 35 U.S.C. § 103(a) in view of <u>Petters</u> with <u>Suzuki</u> and <u>First</u> is traversed for the following reasons. As noted above, the media described by <u>Petters</u> is different from the medium as claimed. <u>Suzuki</u> and <u>First</u> are relied upon to allege that it would have been obvious to add medium conditioned with oviductal epithelial cells to the media of <u>Petters</u>. However, these <u>Suzuki</u> and <u>First</u> would not have suggested modifying the media of <u>Petters</u> to exclude the calcium lactate because doing so would be directly against the teachings of the <u>Petters</u> requirement of using media with calcium lactate (MPEP 2141.02: "Prior art must be considered in its entirety, including disclosures that teach away from the claims"). For this reasons alone, the claims would not have been obvious.

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Furthermore, the inventors discovered that using a culture medium containing lactate

and pyruvate in accordance with the present invention as a culture medium for "in the early

2-day term of the in vitro culture (on days 0 to 2 after fertilization) highly efficiently yields

blastocysts with a larger total sum number of the in vitro-produced embryo and with high

quality" (see page 16, first paragraph).

The Inventors further demonstrated the efficacy of these in vitro produced porcine

embryos to develop in vivo in Example 4 on pages 19-20. These data show that when the

cultured embryo prepared according to the present invention was transferred into female

porcine recipients, all of the animals became pregnant and produced a number of living

piglets.

In view of the above, Applicants request withdrawal of the rejection under 35 U.S.C.

§ 103(a).

Allowance of all pending claims is also requested.

Respectfully submitted,

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